

FILED

JAN 16 2007

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**

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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

CR-07-00006-SBA

12 UNITED STATES OF AMERICA,)

No. ~~4-06-70805~~ WDB

13 Plaintiff,)

STIPULATION AND ~~PROPOSED~~ *WDB*
PROTECTIVE ORDER RE: DISCOVERY
OF PERSONAL AND FINANCIAL
INFORMATION

14 v.)

15 TONY D. LOMBARDI, et al.,)

16 Defendants.)

OAKLAND VENUE

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19 With the agreement of the parties, and with the consent of the defendant, the Court enters
20 the following order:

21 Defendant Ebony L. Allen is charged with one count of conspiracy to commit access
22 device fraud, in violation of 18 U.S.C. §§1029(a)(2) and (b)(2). Upon request, the United States
23 will produce to counsel for the defendant discovery that contains personal identifying
24 information, including social security numbers, birth dates and driver's license numbers, and
25 private financial information, including account numbers, pertaining to the victims in this case.
26 Pursuant to Federal Rule of Criminal Procedure 16, the government requests that disclosure of
27 these materials be subject to the following restrictions:

28 1. Except when being actively examined for the purpose of the preparation of the

PROTECTIVE ORDER
[4-06-70805 WDB]

cc: WDB's Stats, Copy to parties via ECF

1 defense of defendant Ebony L. Allen, the documents containing personal identifying and private
 2 financial information of third parties produced by the government to defense counsel shall be
 3 maintained in a locked, safe, and secure drawer, cabinet, or safe which is accessible only to
 4 defense counsel, members of his or her law firm who are working with him or her to prepare the
 5 defendant's defense, and his or her investigator. Defense counsel, members of his or her law
 6 firm, the defendant, and the investigator shall not permit any person access of any kind to the
 7 documents or disclose in any manner the personal identifying and private financial information
 8 of third parties except as set forth below.

9 2. The following individuals may examine the documents and information related to
 10 the personal identifying and private financial information of third parties for the sole purpose of
 11 preparing the defense of defendant Ebony L. Allen and for no other purpose:

- 12 a) Counsel for defendant;
- 13 b) Members of the defendant's law office who are assisting with the
 14 preparation of Ebony L. Allen's defense;
- 15 c) Defendant Ebony L. Allen, but only in the presence of defense counsel or
 16 another authorized person listed in this paragraph;
- 17 d) Investigators retained by the defendant to assist in the defense of this
 18 matter.

19 If defense counsel determines that additional persons are needed to review the material, he or she
 20 must obtain a further order of the Court before allowing any other individual to review the
 21 material.

22 3. A copy of this order shall be maintained with the documents at all times.

23 4. All individuals other than defense counsel and the defendant who receive access
 24 to the materials pursuant to this Order, prior to receiving access to the materials, shall sign a copy
 25 of this Order acknowledging that

- 26 a) they have reviewed the Order;
- 27 b) they understand its contents;
- 28 c) they agree that they will only access the documents and information for the

1 purposes of preparing a defense for defendant Ebony L. Allen;

2 d) they understand that failure to abide by this Order may result in sanctions
3 by this Court.

4 Counsel for the defendant shall promptly file signed copies of the Order, ex parte and under seal.
5 The government shall have no access to these signed copies without further order of the District
6 Court.

7 5. No other person may be allowed to examine the material without further court
8 order. Examination of the documents shall be done in a secure environment which will not
9 expose the materials to other individuals not listed above.

10 6. Documents such as word processing files, e-mails, and other text files may be
11 duplicated to the extent necessary to prepare the defense of this matter.

12 7. Any pleadings that reveal the personal identifying or private financial information
13 of third parties, either by attaching copies of documents containing that information or
14 referencing that information, shall be redacted to prevent the disclosure of such information or
15 filed under seal.

16 8. Within five court days of the judgement and sentencing hearing in this matter, all
17 material provided to defense counsel pursuant to this Order, and all other authorized copies, if
18 any, shall be returned to the Government. The Government shall destroy them. If defendant

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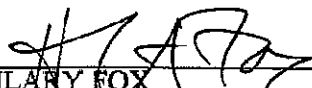
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1 believes that he or she must maintain the material for any reason related to appeal, defendant
2 must seek authorization from the District Court within five days of the sentencing and judgement
3 in this matter.

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5 STIPULATED:

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7 DATED: 1/11/07

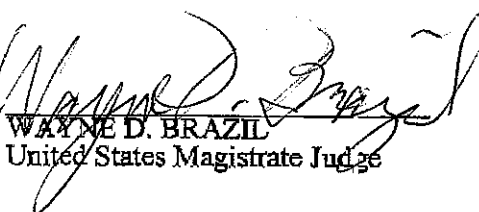

HILARY FOX
Attorney for Defendant Ebony L. Allen

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10 DATED: 1/12/07


KESLIE STEWART
Assistant United States Attorney

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13 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be
14 restricted as set forth above.

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16 DATED: 1/16/07


WAYNE D. BRAZIL
United States Magistrate Judge

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PROTECTIVE ORDER
[4-06-70805 WDB]